

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 ME2 PRODUCTIONS, INC.,

8 Plaintiff,

9 v.

10 MADALYNN ALEXANDER, *et al.*,

11 Defendants.  
12

Case No. C17-0694RSL

ORDER DENYING MOTION FOR  
EXTENSION OF TIME AND  
DISMISSING CASE

13 This matter comes before the Court on plaintiff's motion for an extension of time  
14 in which to serve the complaint. Dkt. # 13. A party generally has 90 days after a  
15 complaint is filed in which to serve the defendant. Fed. R. Civ. P. 4(m). It can be  
16 challenging to meet this deadline in BitTorrent cases where plaintiff must first conduct  
17 discovery from the ISP before it can identify, name, and serve the defendant. It can be  
18 done, however, and the Court has repeatedly indicated that it expects at least a good faith  
19 effort to comply with the service deadline. In this case, the motion for leave to conduct  
20 expedited discovery was granted in a timely manner, the ISP responded promptly, and  
21 plaintiff appropriately pursued an amicable resolution of the case before utilizing the  
22 waiver of service procedure set forth in Fed. R. Civ. P. 4(d). Plaintiff, however, forgot to  
23 calendar the service and waiver of service deadlines: no further attempt at service was  
24 made until this motion was filed.

25 Plaintiff argues that the failure to calendar the service and waiver of service  
26

deadlines was “[l]ikely due in part” to counsel’s unexpected shoulder surgery on July 12, 2017, and/or staff turnover. Dkt. # 14 at 3. The facts do not support this assertion. The service deadline was established -- and should have been calendared -- in May 2017, long before counsel’s shoulder surgery or the loss of his legal assistant. Similarly the waiver of service deadline should have been calendered as soon as the waivers were mailed out in June 2017. The failure to calendar and the resulting failure to timely serve cannot be excused by events that occurred in July.

Good cause has not been shown, and the Court finds that an extension of the service deadline is not warranted. This action is hereby DISMISSED without prejudice for failure to comply with Fed. R. Civ. P. 4(m).

Dated this 11th day of August, 2017.

Mt S Casnik

Robert S. Lasnik  
United States District Judge